
Appeal Decision

Site visit made on 16 August 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2022

Appeal Ref: APP/B2030/W/22/3294322

11 Hollybush Road, Luton LU2 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Salamone against the decision of Luton Council.
 - The application Ref 21/01500/FUL, dated 22 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is erection of three 3-bedroom bungalows with associated parking and amenity area and formation of new access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises of an open area of garden land at the rear of Nos. 7-13 Hollybush Road (Nos. 7-13), a row of semi-detached two storey dwellings located within a mature well-established residential area.
5. The properties on Hollybush Road are typically characterised by semi-detached dwellings set back from the road behind front gardens/driveways and larger spacious rear gardens, sloping gently towards the garden areas of the properties on Eaton Green Road and Polzeath Close running along the rear of the site. Polzeath Close is characterised by more modern two storey terraced properties on smaller plots that provides some variety in the design, density and appearance of the properties and the built form in the area.
6. There is an extensive planning history to the appeal site. The proposal would involve the construction of 3 no. detached bungalows with associated amenity space and parking accessed via a new shared driveway between Nos. 11 and 13 Hollybush Road. The proposed development would be set back behind the

existing development and stepped down to utilise the natural sloping topography of the site. The external finish of the buildings would be predominantly constructed with brickwork with hipped tiled pitched roofs.

7. The existing character of the site would change significantly as a result of the development on this open undeveloped area of land and a change in the nature of the site would be an inevitable consequence of this. Variety does not necessarily lead to harm. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. The new vehicular accessway would be seen in the context of the existing vehicular driveways at the appeal site and along Hollybush Road. Given this context, to my mind, the proposed development and new access arrangement would not be unsympathetic to the streetscene in this location.
8. In term of the scale and layout of the proposed development. Although the proposed dwellings would be seen in the context of the varied two storey dwellings around the site, the scale and layout of the proposed development would nevertheless be substantial in this location. The scale and layout of the proposed bungalow shown on the submitted plans on Plot 2 would be a particularly significant addition and would be positioned in close proximity to the south western boundary of the site.
9. I observed during my site visit that the south western boundary of the site running along the small sloping rear gardens of the properties along Polzeath Close, comprised of fencing and vegetation albeit of a limited, generally low and dispersed nature. The proposed dwelling on Plot 2 on the appeal site would be positioned in close proximity to the south western boundary that would provide limited opportunity to soften the impact of development through a comprehensive landscaping scheme in this location. As such, although they would be set back behind the existing development, the proposed development, by virtue of its scale, siting and layout, would appear visually cramped, compromising the sense of space and openness in the area.
10. The consequential harm would not in my view be sufficiently resolved by the limited effect of the proposed dwellings on the street scene. In any case, the site is viewed from the rear of a number of surrounding properties. As such, I consider that the proposed development, by virtue of its scale, siting and layout shown on the submitted plans, would fail to promote or reinforce the distinctive characteristics of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
11. I have considered the appellant's arguments that the design and layout of the proposed development have been carefully considered and redesigned in light of the comments received on the previous applications and appeals on the site in order to minimise any impacts on the adjacent dwellings and the area. Whilst I recognise there is some variation in the housing styles in the area and the use of matching materials, fenestrations, landscaping and boundary treatment would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
12. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2017 which, amongst other things, require development proposals to be of a high quality design that create quality places, optimise higher densities and improve or enhance the

distinctiveness and character of the area. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Other Matters

13. I have noted the other developments drawn to my attention by the appellant. However, the backland style residential developments in the area have different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal. As a consequence, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
14. I note the appellant's comments regarding the context provided in the Framework for good design and that planning decisions should not prevent or discourage appropriate change (such as increased densities), but I find that the proposal does not achieve the standards the Framework seeks.
15. The appellant considers that the proposal would provide a sustainable form of development in accordance with the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, the efficient and effective use of land on a small site within an accessible location, providing opportunities for the construction industry and through contributing to the housing supply and the need for large family housing in the area. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR